

# Rules and Regulations of the Municipal Civil Service Commission

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## **RULE IX**

### **CERTIFICATION**

#### A. Notification of Vacancies

Whenever an appointing authority desires to fill a vacancy in any position in the classified service, notification shall be submitted to the Executive Secretary on a form prescribed by the Commission. The form shall include the title of the position, any condition of employment and such other pertinent information as may be required. Whenever practicable, it shall be submitted not less than fifteen calendar days before the date the vacancy is to be filled.

#### B. Termination of Provisional Employment

When a position in a class is occupied by a person serving in a provisional appointment and an appropriate competitive eligible list is established for that class, the Executive Director shall proceed to certify the appropriate number of eligibles without notification from the appointing authority. The certification shall specify the position(s) in the class for which the certification was issued. If the provisional employee's name is certified, then the employee may be appointed to the position, in accordance with the provisions of these Rules, at the discretion of the appointing authority. If the provisional employee's name is not certified or the provisional employee is not appointed, then the employee must be terminated no later than thirty calendar days from date of certification and a new appointment made from the list. If an appointing authority decides not to fill the vacated position due to budgetary constraints, pending reorganization or a comparable reason, notice to this effect must be provided to the Executive Director, in writing, within the applicable thirty calendar day period.

#### C. Certification of Eligibles on Competitive Lists

1. Whenever a vacancy in the competitive class is to be filled, and an appropriate eligible list for the class exists, the Executive Director shall certify names to the appointing authority according to the method listed on the examination announcement used to establish the eligible list.

2. Individuals whose names are placed on an eligible list as a result of Reinstatement [Rule VIII(C)] or Layoffs [Rule XII(C)] shall not be counted in determining the number of eligibles to be certified, or in determining whether the eligible list contains a sufficient number of names to require appointment.

#### 3. Rule of Three Method.

- a. If the eligible list contains fewer than three eligibles, the eligibles on the list shall be certified to the appointing authority; however, the appointing authority shall not be required to appoint from the eligible list.

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- b. The number of eligibles to be certified shall be determined in the following manner:

- (1) for 1 through 4 vacancies, add 2 to the number vacancies;
- (2) for 5 through 8 vacancies, add 4 to the number vacancies;
- (3) for 9 through 12 vacancies, add 6 to the number vacancies; etc.

To expedite the process of certification, the Executive Secretary may include additional eligibles on a certification provided that the additional names shall be considered for appointment only if one or more of the individuals on the original certification, decline appointment, waive consideration for appointment or fail to appear at the interview.

- c. Except as provided in Rule VIII(C) (Reinstatements) and XII(C) (Layoffs), each appointment shall be made from a group of three eligibles certified from those standing highest on the eligible list and one of said group must be appointed. If an eligible is certified to or considered by an appointing authority four times, and is not appointed, the name of the eligible shall not be certified to said appointing authority during the life of the eligible list. Upon application of the eligible and the appointing authority, the name of such eligible may be certified for one additional certification.
- d. When an eligible's name is included on a certification to an appointing authority, notice shall be sent to the eligible. Unless the Executive Secretary deems that a shorter time period is necessary, an eligible shall be given four work days in which to arrange for an interview for the position.
- e. If the name of an eligible is certified to an appointing authority and that individual fails to appear for an interview or if the individual appears for the interview but declines the appointment, the name of that eligible shall not be certified to that appointing authority for filling any vacancy in that department during the life of the competitive eligible list or noncompetitive certification list. However, upon request of the appointing authority, the name of such eligible may be restored to the list.

4. Fixed Band Method.

- a. If the eligible list contains fewer than five eligibles, the eligibles on the list shall be certified to the appointing authority; however, the appointing authority shall not be required to appoint from the eligible list.

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- b. The Executive Director shall certify all names in the highest band from the appropriate list so that in making appointments to a position in the class, the appointing authority has a choice of at least five individuals. If fewer than five names appear in the highest band, the Executive Director shall certify names from subsequent bands so that at least five individuals are certified. In the event the highest band may be exhausted prior to the completion of the appointment process, the Executive Director may certify additional names from subsequent bands as necessary to insure that the appointing authority may select from among at least five individuals.
- c. The appointing authority shall appoint to the vacant position one of the individuals whose name is certified.
- d. For each four appointments made from an eligible list, an appointing authority may request that the Commission omit from future certifications to such appointing authority up to two individuals who have been considered four or more times, but not appointed. For each four conditional offers made from an eligible list, an appointing authority may request that the Commission omit from future certifications to such appointing authority up to four individuals who have been considered four or more times, but not selected.
- e. Eligibles who are certified to an appointing authority for consideration for appointment shall be notified in writing by the Commission.

### D. Certification of Eligibles on Promotional Lists

1. When a certification is made in accordance with Section(C) for a promotional appointment, the appointing authority may consider departmental personnel records of efficiency, character, conduct and seniority for each eligible when making a selection determination.

2. In the event the appointing authority determines that departmental personnel records are insufficient for making a selection determination, Civil Service Commission records may be requested and considered as part of the selection process.

### E. Certification of Noncompetitives

Whenever a position in a noncompetitive class is to be filled, the Executive Secretary shall certify, to the requesting appointing authority, a list with the names of all applicants who met the minimum requirements and passed the qualifying tests, if any, for the class. The appointing authority shall appoint a person whose name appears on the certification list regardless of the order

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in which the names appear. In the event an applicant does not meet a license requirement at the time of filing but whose application is accepted in accordance with Rule VI(D)(3), such applicant may be conditionally certified to the appointing authority. No person who is conditionally certified may be appointed until the appropriate license has been received and is approved.

### F. Canvassing Competitive Eligible Lists

1. When practical prior to the establishment of a competitive eligible list, the applicants shall be canvassed to determine whether they would accept appointments with part-time, limited or seasonal conditions of employment. If a canvass of applicants has not been made prior to the establishment of an eligible list, and appointments with part-time, limited or seasonal employment conditions are to be made, a canvass shall be conducted of the eligible list. When authorized by the Executive Director, a canvass shall be conducted to determine whether eligibles would accept appointments for particular shifts or in particular departments.

2. In the event five or more names of eligibles result from such a canvass, the appointing authority shall make appointments from the resulting list of names in accordance with the Rule IX.

3. In the event fewer than five names of eligibles result from the canvass, the appointing authority may make provisional appointments to the positions which are subject to the canvass.

4. An eligible appointed as a result of a canvass shall receive an original or promotional appointment as defined in Rule X.

### G. Certification to a Lower Class

Upon request, the Commission may deem a competitive eligible list to be appropriate for a lower class provided no list exists for the lower class and the duties and responsibilities are similar. An appointment may be made to a position in the lower class from such eligible list but the acceptance of the lower position shall not forfeit such person's right to be certified to a position in the higher class.

### H. Charter Certification

1. Automatic Certification. The Executive Secretary shall automatically certify as a permanent appointee any employee for whom the following conditions are met:

- a. On July 16, 1994, the employee held provisional status in a competitive class;

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- b. The employee successfully completed two years of full-time service in that class on or before July 16, 1996;
- c. No Civil Service test for that class was administered during the two-year period qualifying the employee for certification; and
- d. At the time of certification, the employee holds provisional status in the same class.

2. Certification by Petition. Any individual who was a City employee on or before July 16, 1994, and who is not automatically granted permanent status pursuant to subsection 1, may file a petition for certification with the Commission. Except as otherwise provided in subsection 5, all petitions for certification must be filed no later than July 31, 1996. The Executive Secretary shall grant the petition of any employee for whom the conditions in subsection 1, (a) through (d), are met. The Commission will notify employees in writing whether their petition for certification has been granted or denied. No petition for certification will be denied prior to an employee being given an opportunity to appear before the Commission in person and be heard.

3. Part-time Service. For purposes of subsection 1(b), part-time employees shall be deemed to have completed two years of full-time service upon completion of four years of service in part-time status or upon completion of 4,160 hours of service, whichever occurs earlier.

4. Effect of Certification. Any employee receiving a Charter certification as a permanent appointee, pursuant to this Rule, shall be considered as having received an original appointment in accordance with Rule X(A). Except as otherwise provided in subsection 5, all such Charter certifications shall have the effective date of July 17, 1994, or of the first day of the next pay period following completion of the two-year qualifying period, whichever is later.

5. Eligibility for Promotional Exams. Any employee who is not eligible for automatic Charter certification, solely because of acceptance of another appointment prior to certification, may file a petition for certification at any time during the filing period for a promotional exam, if the class qualifying the employee for Charter certification is an eligible class for promotion. If the employee meets all of the conditions set out in subsection 1, (a) through (c), the employee shall be deemed to have permanent status for purposes of determining eligibility for the test pursuant to Rule VII(B)(2).

6. Certification Upon Reappointment. Any employee who is not eligible for automatic Charter certification in a particular class, solely because that individual had accepted an appointment to another class prior to certification, may file a petition for certification at any time. If certification is granted, the effective date shall be as set out in subsection 4 unless the employee was not in the class on the date so determined in which case the effective date shall be the date upon which the employee returns to the class.

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### I. Conditional Certifications

In the event medical and/or psychological examinations of applicants are required in order for the applicants to be appointed to the position of employment, the Commission Executive Director shall issue a conditional certification to the appointing authority. This certification list shall consist of the names of the eligible applicants who have successfully completed all phases of the selection process except the medical and/or psychological examination(s). Conditional offers of employment shall be made in accordance with the procedures set forth in these Rules for appointments. Those applicants who received conditional offers shall then complete the required examination(s). When the required examination(s) are complete, the Commission Executive Director shall issue a final certification of those who received conditional offers of employment and who successfully passed the required examination(s).

<b>Amended as of: October 30, 2000</b>
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